

**REMARKS**

Claims 1-10 and 12-29 are pending in the application. No claims have been amended, added, or cancelled.

In the present Office Action, claims 1, 2, 3, 4, 5, 13, 20, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by newly cited reference US Publication No. 20030066084 (hereinafter “Kaars”). Applicant has carefully reviewed the reference and note there are recited features which are not disclosed therein. Accordingly, the Applicant traverses the above rejections and requests reconsideration in view of the following comments.

Generally speaking, Kaars discloses a system that receives a data stream and directs the stream to one of a variety of playback devices based on a user selection input, transcoding the stream as necessary. More specifically, Kaars discloses:

“Next, in step 206, the system checks if the user has input, through user interface 116, an indication of a particular playback device. . . . If the user has not, the system repeats step 206 until there is an input of the indication of a playback device. If the user has entered a playback device code, the process continues to step 207, where the input signal is analyzed in view of the input device to determine if the formats are compatible and thus whether transcoding is needed. If not, the processing continues at step 218 shown in FIG. 2B and described below. If transcoding is required, the process continues to step 208 wherein the processor 112 retrieves the transcoding information from memory 114. The transcoding information of various output devices is stored in memory 114. In the event a new output device is introduced into the market, the system can download via a data network, for example the Internet, new transcoding algorithms and format information.” (Kaars, paragraph [0028]).

As may be seen from the above, an indication of a particular playback device is input by a user through a user interface 116. In contrast to the above, claim 1 recites:

“A client for use in a television system, wherein the client is located in a television viewer home and comprises:

    a receiver configured to receive a programming signal;

an interface configured to communicate with a secondary device external to the client; and  
a transcode subsystem coupled to the receiver and the interface, wherein the transcode subsystem is configured to:  
detect a communication from the secondary device;  
determine a target data format corresponding to the secondary device;  
convey a request to an external entity for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format;  
automatically retrieve the transcode subunit from an external entity, responsive to the request;  
receive data targeted to the secondary device, wherein the received data comprises a first data format;  
determine whether the first data format is compatible with the secondary device;  
identify the transcode subunit as corresponding to both the first data format and the target data format, in response to determining the first data format is not compatible with the secondary device; and  
initiate transcoding of the received data from the first data format to the target data format using the transcode subunit.  
(Emphasis Added).

As may be seen from the above, the transcode subsystem is configured to detect a communication from the secondary device and perform a number of steps specific to the secondary device, such as transcoding received data to a target data format corresponding to the secondary device. In contrast, the reference discloses receiving user input indicating a playback device. Nor is user input recited as causing the transcode subsystem to automatically retrieve the transcode subunit from an external entity, in the event the transcode subsystem is not configured to support the target data format. Accordingly, Applicant finds no teaching or suggestion in Kaars of “a transcode subsystem coupled to the receiver and the interface, wherein the transcode subsystem is configured to: detect a communication from the secondary device; determine a target data format corresponding to the secondary device; convey a request to an external entity for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format; automatically retrieve the transcode subunit from an external entity, responsive to the request”, as is recited in claim 1. For at least these reasons, Applicant submits that claim 1 is patentably distinct from the cited art.

As independent claims 13 and 20 recite features similar to those of claim 1, independent claims 13 and 20 are believed patentably distinct from the cited art for similar reasons.

In addition to the above, claims 8, 17, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Publication No. 2003/0110513 (hereinafter “Plourde”). Applicant respectfully traverses these rejections for at least the above reasons in view of the fact that these rejections rely on a combination which includes the teachings of Kaars as discussed above.

Further, the dependent claims recite additional features neither disclosed nor suggested by the cited art. For example, in the rejection of claim 8, the Examiner states that “Kaars does not disclose a client as recited in claim 1, wherein the transcode subsystem is configured to: discard the second received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available.” Instead, Plourde is cited as disclosing these features at page 14, paragraph 107, lines 22-24. However, Applicant submits that Plourde merely discloses refusing to download data having a bit rate that exceeds the storage capacity of buffer in the receiver. Applicant finds no teaching or suggestion in Plourde that a “transcode subsystem is configured to discard the received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available,” as is recited in claim 8. For at least these reasons, Applicant submits that claim 8 is patentably distinct from the cited art, taken either singly or in combination. As claims 17, 24, and 26 recite features similar to those of claim 8, claims 17, 24, and 26 are believed patentably distinct from the cited art for similar reasons.

In addition, claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Patent No. 6,532,593 (hereinafter “Moroney”). Applicant respectfully traverses these rejections in view of the fact that these rejections each rely on a combination including the teachings of Kaars as discussed above.

Additionally, claim 12 recites further distinguishable features. In the rejection of claim 12, the Examiner states that “Kaars does not disclose a feature of claim 1, wherein the client is further configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device.” Instead, Moroney is cited as disclosing these features at column 8, lines 19-22. However, Applicant finds no such disclosure in Moroney. Generally speaking, Moroney simply discloses a set top box which may store data to a hard drive at different quality levels in a manner analogous to that of tape based VCR machines. Compressing data to a more or less degree is performed by a component 427 Moroney calls a (bit rate) transcoder. For example, Moroney discloses:

“Accordingly, it can be seen that the present invention provides a consumer set-top terminal that receives and stores digital programming services such as television programs for subsequent playback by the user in a manner analogous to a conventional video cassette recorder (VCR). An interface allows a user to control the transcoding based on the desired quality level for the transcoded data, e.g., high, medium or low. By performing transcoding at the terminal, the bit rate of the data can be reduced sufficiently to allow economical storage at the terminal.” (Moroney, col. 8, lines 41-49).

Therefore, Moroney describes adjusting a bit rate of data to be stored on a hard disk. It is noted that all such “formats” (bit rates) are compatible with the hard disk and the question of compatibility is not at issue. However, Applicant finds no teaching or suggestion of a client “configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device,” as is recited in claim 12. For at least these reasons, Applicant submits that claim 12 is patentably distinct from the cited art, taken either singly or in combination.

In addition, dependent claims 6, 7, 14, 15, 16, 21, 22, 23, and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Patent No. 6,449,767 (hereinafter “Krapf”). Finally, dependent claims 9, 10, 18, 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Publication No. 2002/0104019

(“Chatani”). Applicant respectfully traverses these rejections for at least the reason that each relies on a combination including the teachings of Kaars as discussed above.

In view of the above, Applicant submits all pending claims are patentably distinguished from the combination of cited art.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5266-04300/RDR.

Respectfully submitted,

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